

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

## **MEMORANDUM ORDER**

On October 28, 2011, this case was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.C and 72.D of the Local Rules for Magistrates.

On August 14, 2012, the magistrate judge issued a Report (Doc. 46) recommending that Plaintiff's Motion for Summary Judgment (Doc. 31) be granted, that Defendant LaGrotta's Motion for Summary Judgment (Doc. 29) be denied, and that Defendants Americare and Sylvan's Motion to Dismiss Plaintiff's Motion for Summary Judgment (*see* Doc. 36) be denied. Service of the Report and Recommendation was made on the parties, and Defendants timely filed Objections. *See* Docs. 47 & 49.

After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, the following Order is entered:

Plaintiff's Motion for Summary Judgment (**Doc. 31**) is **GRANTED**; Defendant LaGrotta's Motion for Summary Judgment (**Doc. 29**) is **DENIED**; and Defendants Americare

and Sylvan's Motion to Dismiss Plaintiff's Motion for Summary Judgment (*see Doc. 36*) is **DENIED**.

The Report and Recommendation of Magistrate Judge Eddy dated August 14, 2012 is hereby adopted as the opinion of the District Court.

September 12, 2012

s\Cathy Bissoon

Cathy Bissoon

United States District Judge

cc (via ECF email notification):

All counsel of record